

U.S. Patent Application Serial No. 10/043,361
Applicant: Ehrman, et al.

REMARKS

Reconsideration of the present application is respectfully requested in view of the present amendments and the following remarks. Claims 31-50 are currently pending in this Application with claims 1-20 being canceled by a previous amendment and claim 21-30 being canceled by the present *Amendment and Response to Office Action*.

Prior to the filing of the present *Amendment and Response to Office Action* and entry of this amendment, claims 21-37 were pending and claims 1-20 were cancelled.

Claim Rejections

Claims 21-25, 28-30, 31 and 33-37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,347,274 to Hassett (hereafter "Hassett"). By the present *Amendment and Response to Office Action*, claims 31-34, and 36-37 have been amended, claims 21-30 have been cancelled, and claims 38-50 have been added. The Applicants respectfully submit that the pending claims, as amended, are patentably distinct from Hassett, and are in condition for allowance.

Hassett is directed towards a hazardous waste system that provides monitoring to verify the location and condition of each shipment. See Abstract of Hassett. Hassett monitors the hazardous waste being shipped and reports data to a central data bank through a series of base stations. If a hazardous condition is detected, the central data bank can send data to the unit to provide instructions to the driver of the vehicle. For example, the instructions may include updated routing information to redirect the vehicle. However, Hassett does not describe a system in which access to a mobile asset is controlled based on data entered or monitored at the mobile asset. Accordingly, the pending claims have been amended to more clearly articulate this feature of the present invention.

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The Applicants respectfully submit that the inventions claimed in claims 21-30 are distinctly different from Hassett as Hassett fails to describe several features of the present invention. Nonetheless, claims 21-30 have been canceled to focus attention on several particular aspects of the present invention, namely the transmission of asset control data from the management computer to the asset monitor and the use of this data to control access to the mobile asset associated with the asset monitor. These aspects are addressed in claims 31-50. In the Office Action, the Examiner noted that claims 31 and 33-37 were substantially similar to claims 21-23 and 28-30 and were rejected under the same analysis as was provided for claims 21-23 and 28-30. The Applicants respectfully submit that claims 31-50 are directed toward additional functionality not required in claims 21-30. Specifically, claims 31-50 focus on the transmission of asset control data sent from the management computer to the asset monitor and the use of this data to control access to the mobile asset.

Specifically, claim 31 requires:

a management computer for storing asset monitored data and asset control data for a plurality of mobile assets in a relational database format;
an asset monitor, for each of a plurality of mobile assets, *for monitoring a respective mobile asset to collect asset monitored data, to wirelessly receive asset control data originated at the management computer, and to control operation of the mobile asset in view of the asset monitored data and the received asset control data;* and
a wireless communications infrastructure interconnecting the management computer to each of the mobile assets, the infrastructure including a plurality of local monitor nodes each storing asset control data in a relational database format for at least a portion of the plurality of mobile assets that is at least a partial replica of the asset control data stored by the management computer.

The Applicants respectfully submit that Hassett does not teach an asset monitor that wirelessly receives asset control data from a management computer and controls operation of the mobile asset based on the asset control data and asset monitored data collected from the mobile asset. Rather, Hassett monitors a vehicle and transmits the monitored data to a central computer.

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The central computer collects the data and makes decisions regarding the vehicle and reports information back to the vehicle operator. Thus, Hassett does not teach an asset monitor that actually controls operation of the vehicle.

Contrarily, the present invention includes an asset monitor that can control operation of the mobile asset based on the asset control data received from the management computer. The asset monitor compares asset control data to asset monitored data to determine whether the mobile asset should be allowed to operate. For example, using the asset control data and the asset monitored data, the asset monitor may determine whether a user is scheduled to use the mobile asset at a particular time and/or at a particular location. The asset monitor may then prevent access to any other user and may shut down the mobile asset if the mobile asset leaves the specified location. Such functionality is greatly beneficial and is not described in Hassett.

Additionally, the Examiner noted that MPEP § 2114 specifies that an apparatus claim covers what a device is, not what a device does. Specifically, MPEP § 2114 specifies that the manner of operating a device does not differentiate an apparatus claim from the prior art. However, the Applicants respectfully submit that Hassett does not have an asset monitor, as claimed, because it can not wirelessly receive asset control data originated at the management computer and it can not control operation of the mobile asset in view of the asset monitored data and the received asset control data.

Therefore, the Applicants respectfully submit that claim 31 is patentable over Hassett and is in condition for allowance. Additionally, the Applicants respectfully submit that claims 32-43 are dependent upon claim 31 and are in condition for allowance for the reasons stated above and for the further limitations contained therein.

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Furthermore, the Applicants have added method claims 44-50 directed toward the functional elements underlying the present invention as claimed in claims 31-43. The Applicants respectfully submit that claims 44-50 are also in condition for allowance for the reasons stated above.

Therefore, Applicants respectfully submit that the rejections should be withdrawn and that claims 31-50 are in condition for allowance.

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FEES

Through the present *Amendment and Response to Office Action*, ten (10) claims were canceled and thirteen (13) claims were added. Following the entry of these claim amendments, twenty (20) claims will be pending, two of which are independent claims. Thus, no additional claims fees are due. However, the Commissioner is authorized to debit deposit account No. 20-1507 for a one month's extension of time fee of \$60.00, and any other required fee.

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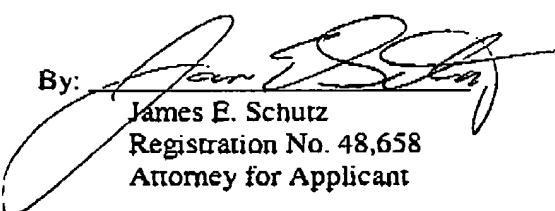
CONCLUSION

The foregoing is submitted as a full and complete response to the *Office Action* mailed February 22, 2006. It is respectfully submitted that claims 31-49 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

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